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September 12, 2002

The Honorable Ann M. Veneman
Secretary
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Veneman:

Thank you for the September 5 reply from Under Secretary for Food Safety Elsa A. Murano to our July 26 letter on the ConAgra beef recall. Her response provides new details about the Department's response to the contamination problems at ConAgra, but it still leaves important questions unanswered.

Our letter asked, "Did USDA act quickly enough?" We sought an understanding of the delay of more than three months between the initial contamination at the ConAgra plant with potentially deadly *E. coli* O157:H7 bacteria and the full recall of more than 19 million pounds of beef. Dr. Murano's response fails to explain this delay. Moreover, the timeline attached to her letter shows that USDA inspectors had positive test results proving *E. coli* O157:H7 contamination on May 9, June 12, June 14, and June 20, yet did not order the partial recall until June 30 and did not recognize the need for a full recall until July 19. We renew our request for a full description of and explanation for USDA's actions during this time.

In our July 26 letter, we also asked, "What did ConAgra know and when?" We specifically requested copies of any correspondence or notes of conversations related to food safety that have taken place between USDA officials and ConAgra Beef Company employees since April 12, 2002. We also asked for the results of all *E. coli*, *E. coli* O157:H7, and *Salmonella* testing at the ConAgra facility, and copies of any correspondence in USDA's possession relating to the safety of meat produced there since January 2001.

We made these requests because ConAgra, one of the largest meat producers in the United States, may have had evidence of positive *E. coli* O157:H7 results as early as mid-April.

Dr. Murano's reply, however, provides no insight into ConAgra's actions and no information about the Department's contacts with ConAgra. We therefore renew our request for these documents.

Finally, our letter raised a third significant question: "Does CDC have access to all the information needed to link human disease to the contamination at the ConAgra facility?" We explained that all epidemiological investigations related to ConAgra so far have been based on one strain of *E. coli* O157:H7. Yet more than one ConAgra strain of *E. coli* O157:H7 may in fact exist. Since the company has no obligation to share additional strains with health authorities for molecular fingerprinting, CDC may not be able to determine the full scope of human illness from the contaminated meat.

Dr. Murano's response ignored this important and ongoing question entirely. We have heard reports that USDA asked ConAgra for the additional bacterial samples, but the company has refused to provide them. Is this true? On August 4, the *Denver Post* reported that a ConAgra executive expressed the concern that turning additional samples over to CDC would "generate a false positive."¹ This assertion is groundless, given the expertise of CDC scientists in analyzing the molecular fingerprints of bacterial strains. We urge you again to disclose how many of the *E. coli* O157:H7 samples found at ConAgra have been made available to public health authorities and USDA.

In addition to fully answering the questions posed in our July 26 letter, we have further questions that are raised by Dr. Murano's letter and by other recent developments:

- Dr. Murano notes that USDA inspectors have uncovered deficiencies in ConAgra's safety efforts. We ask that you explain these deficiencies and what USDA has done to correct them. We also request a copy of the Notice of Intended Enforcement sent to ConAgra.
- There is evidence that the Department was alerted to meat safety problems at the ConAgra plant in February, before the contamination that triggered the recall. By the beginning of March, USDA inspectors in Montana had reportedly linked contaminated meat at a local processing company directly to ConAgra's facility, but apparently little followup was done.² Please provide us with any documents in USDA's possession

¹*Meat-Recall Information Kept Hidden*, Denver Post (Aug. 4, 2002).

²*Critics Urge Reform of Beef-Recall Rules*, Denver Post (July 21, 2002).

related to the positive *E. coli* O157:H7 findings in Montana and how USDA investigated them.

- In mid-May, when USDA first became aware of a positive *E. coli* O157:H7 test at Galligan's Wholesale Meat Co. in Denver, the Department concluded that "no recall was necessary because the company held all the product." USDA appears to have taken no steps to uncover the source of the meat provided to Galligan's. Could an investigation into the suppliers of Galligan's in mid-May have revealed the positive *E. coli* O157:H7 tests at the ConAgra plant more quickly? Why was such an investigation not conducted at that time?
- In mid-June, USDA twice linked contaminated meat from Galligan's to the ConAgra plant. Rather than immediately investigate ConAgra, however, the Department tested sample after sample of Galligan's meat. The USDA timeline states that during this time, Galligan's "continued to allege that only ConAgra product had been supplied." Why was USDA so hesitant to follow up on this lead?
- Even after the initial recall on June 29, USDA apparently still did not recognize the depth of the problems at the ConAgra facility. Only after a second investigative team was sent to the plant in mid-July was the full extent of contamination recognized and a full recall ordered. Please explain why USDA did not recognize the serious problems at the ConAgra facility until mid-July.
- Once the recalls were issued, consumers had difficulty understanding whether meat they had purchased could have been contaminated. Some state officials have complained that they did not receive adequate information from suppliers and USDA to trace the contaminated meat and alert the public.³ Please explain what steps USDA is taking to remedy these problems and whether additional statutory authority is needed. Please also inform us what percentage of the recalled meat was recovered or known to be destroyed.

We recognize and appreciate that USDA has taken some steps to address some of the problems revealed by the ConAgra case, including more prompt notification of meat producers of ongoing investigations and earlier preparation of pathogen collection supplies and shipping containers. Our view, however, is that far larger policy issues may be implicated by the more than three month delay between contamination and recall and the other issues outlined above. We

³*Meat-Recall Information Kept Hidden*, Denver Post (Aug. 4, 2002).

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urge you to reply fully to our questions and join with Congress in seeking solutions to weaknesses in our food safety system.

We request a reply to this letter by September 20, 2002.

Sincerely,



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